

CHAPTER XXVIII

MINING PRACTICE

WHILE the aspect of conveyancing practice shortly discussed in the present chapter will only in general affect the solicitor's clerk employed in an industrial or mining area, a short statement in connection with mining practice generally has been considered worthy of inclusion in this volume. Any clerk employed in an agricultural area may by a change of employment or residence suddenly find himself in an industrial area, and then in conveyancing matters for the first time in his career be confronted with an exception of mines and minerals, or a mining lease. For the precise meaning of "mines and minerals/" the reader must be referred to more elaborate treatises.

As every clerk will know, the term "land" as used in conveyancing includes not only the surface of the earth but everything under or above it, e.g. mines, woods, and houses. In the mining areas the owners of land, and particularly the owners of large estates, have for very many years "excepted" the mines from any sales, and in numerous cases, therefore, the surface lands and the mines are in quite different ownerships. The exception itself may take the form of an exception of

all mines
and minerals or only of those lying
below (or down
to) a stated depth, and in some cases
extends to
gas and gaseous substances.

Colliery owners (i.e. the mine
workers) have,
therefore, to acquire these excepted
mines either
by purchase or lease. In small cases
they are